

REMARKS/ARGUMENTS

A. The office noted that claims 1-3 in this application are the same as pending application 09/867,877, creating a possible double patenting issue.

Applicant wishes to point out that claim 1 is directed to the change in cross-section (enlarged head) feature which is a surprising result discovered by experimentation by the Applicant. Applicant believed that the additional feature claimed in claim 1 would distinguish this claim with respect to application 09/867,877. Applicant has amended claim 1 to further describe the enlarged head feature.

B. The office has rejected claim 2 under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant has amended claim 2 to correct this oversight, changing "said connector bar" to "said frame".

C. The office has rejected claims 1-6 under 35 U.S.C. 103(a) as being unpatentable over Underwood in view of Godoy et al.

1. Applicant submits that Godoy is not functional as a tattooing device since the published application does not teach a means for the needle and armature bar to oscillate. In the Godoy section titled "Function", the "attracting and repelling of the armature bar" are described but the electromagnet described will only attract (and not repel) a magnetic material such as the armature bar when energized. An electromagnet repelling a magnetic material such as an armature bar is unknown and appears to violate known laws of nature. Further, only means for continuously energizing the electromagnet are disclosed. The expected result of the teaching is that the armature bar is attracted to the electromagnets when electrical power is applied and it remains in that position until the operator disconnects the electrical power. The teaching is not sufficient to create a functional tattooing device. Therefore, the Applicant submits that it would be improper to combine the Godoy teaching with that of Underwood or any other reference.

2. The Godoy reference teaches away from Applicant's invention by describing "metal-to-metal" contact between the post(core) and the armature bar. Metal-to-metal contact would be extremely detrimental to the smooth operation of a functional tattooing device, since it would create a shock sensation at every metal-to-metal contact that would be disruptive to the desired smooth result. Applicant's invention is drawn to a device in which the armature bar oscillates between two positions without making metal to metal contact with the cores. Godoy's teaching is not applicable to a smooth tattooing device. Further, Godoy makes no suggestion of the modification to the head end of the core that produces the surprising result of Applicant's invention. Godoy teaches grooves that only function to locate removable plastic (non-magnetic) retaining washers. Godoy teaches away from Applicant's enlarged head feature since an enlarged head would negate Godoy's stated desirable feature of removability of the retaining washers. Applicant submits that the presence or absence of the retainer grooves of Godoy is insignificant to the magnetic flux field at the end of the cores where the interaction with the armature bar occurs.

3. Applicant's surprising result that the enlarged head on a rectilinear cross-section core creates a smoother operation of the armature bar is not disclosed in either reference and is heretofore unknown. One might conjecture in hindsight that the enlarged head might create a disturbance in the magnetic field flux lines as the armature bar approaches the core, thereby beneficially influencing the attractive force profile. This surprising discovery was made by the experimentation of the Applicant is not obvious to one skilled in the art.

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4. Applicant has amended claims 1 & 4 to more clearly define the enlarged head feature. Applicant has canceled claims 5 & 6. Applicant has added claims 13 – 20 to more clearly define the modification to the head end of a core to produce the surprising result beneficial to the smoothness of operation of a tattooing apparatus.

D. Applicant believes that the amended Application is in condition for allowance with the presently pending claims and Applicant respectfully requests that the Examiner reexamine and reconsider the amended application.

Respectfully submitted,

  
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Signed

